

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Application of Southwestern)
Bell Telephone Company for Approval of)
Cellular/PCS Interconnection Agreement Under) Docket No. 09-SWBT-568-IAT
the Telecommunications Act of 1996 With NE)
Colorado Cellular, Inc.)

ORDER APPROVING AMENDED INTERCONNECTION AGREEMENT

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and record and being duly advised in the premises, the Commission makes the following findings:

1. On June 30, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an Application requesting Commission approval of a modification to the Interconnection Agreement between SWBT and NE Colorado Cellular, Inc. (NE Colorado Cellular). Supplementing its Application, SWBT included as Attachments I and II, a copy of the fully executed Amendment to the Interconnection Agreement and the Affidavit of Janet Arnold, SWBT's Manager-Regulatory Relations.

2. SWBT states that the Amendment to Agreement entered into between SWBT and United Communications, dated June 19, 2014, amends the Interconnection Agreement between SWBT and NE Colorado Cellular, which was approved by the Commission on March 30, 2009. The subject Interconnection Agreement and Amendment to Agreement are collectively referred to herein as "amended Agreement". SWBT further states that the amended Agreement is for the purpose of adding a transit traffic service attachment and replacing the notice provisions in the current Agreement. SWBT maintains that the amended Agreement fully complies with Section

252(e) of the Telecommunications Act of 1996 (Federal Act) and is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. Application at pages 1 and 2.

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188. K.S.A. 66-1,190 requires all telecommunications public utilities doing business in Kansas to:

...publish and file with the commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate, and shall furnish the commission copies of all rules and regulations and contracts between such telecommunications public utilities pertaining to any and all jurisdictional services to be rendered by such telecommunications public utilities.

Section 252(e)(2) of the Federal Act [47 U.S.C. §252(e)(2)] requires the Commission to presume that interconnection agreements entered into through negotiation and submitted for Commission approval are valid unless:

- (1) the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) the implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience, and authority.

4. On August 20, 2014, the Commission Staff (Staff) submitted its Report and Recommendation dated August 12, 2014, recommending the Commission approve the amended Agreement between SWBT and NE Colorado Cellular. Staff confirms that the amended Agreement fully complies with Section 252(e) of the Federal Act and believes that approval of the amended Agreement is consistent with the public interest, convenience, and necessity. Staff further states its belief that the public will generally benefit from Commission approval of SWBT's Application. Both SWBT and NE Colorado Cellular are properly registered with the Kansas Secretary of State's office and their status with that office is active and in good standing.

Concluding, Staff recommends the Commission grant SWBT's Application and approve the amended Agreement.

5. The Commission adopts Staff's recommendation of August 12, 2014, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that SWBT's Application should be granted and that the amended Agreement between SWBT and NE Colorado Cellular should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application is hereby granted and the amended Interconnection Agreement between SWBT and NE Colorado Cellular, Inc. is hereby approved.


B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary:

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: AUG 26 2014


ORDER MAILED AUG 27 2014
Thomas A. Day
Acting Executive Director

oan

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Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Pat Apple

FROM: Kelly Mabon, Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utililites

DATE: August 12, 2014

SUBJECT: Docket No. 09-SWBT-568-IAT

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Cellular/PCS Interconnection Agreement Under the Telecommunications Act of 1996 with NE Colorado Cellular, Inc.

EXECUTIVE SUMMARY:

On June 30, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed a request for approval of a modification to an Interconnection Agreement with NE Colorado Cellular, Inc. (NE Colorado Cellular). Staff recommends approval of this Application.

The Commission action date is **Sunday, September 28, 2014.**

BACKGROUND:

The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188. K.S.A. 66-1,190 requires all telecommunications public utilities doing business in Kansas to "publish and file with the commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate, and shall furnish the commission copies of all rules and regulations and contracts between such telecommunications public utilities pertaining to any and all jurisdictional services to be rendered by such telecommunications public utilities."

The U.S. Congress and the Federal Communications Commission (FCC) have pre-empted certain aspects of state regulation of interconnection between telecommunications carriers. Section 252(e)(2) of the Federal Telecommunications Act of 1996 (47 U.S.C.

§252(e)(2)) requires the Commission to presume that interconnection agreements entered into through negotiation and submitted for Commission approval are valid unless:

- 1) the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- 2) the implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience, and necessity.

ANALYSIS:

This modification adds a transit traffic service attachment and replaces the notice section in the current Agreement.

SWBT contends that implementation of this Agreement complies fully with Section 252(e) of the Federal Act and believes approval is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier.

Having reviewed the Agreement between SWBT and NE Colorado Cellular, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application.

The companies are registered with the Kansas Secretary of State and are active and in good standing with that office.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Application for a modification to the Interconnection Agreement between SWBT and NE Colorado Cellular.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
LYNETTE SIECZKO, NETWORK INTERCONNECTION MANAGER NE COLORADO CELLULAR, INC. D/B/A VIAERO WIRELESS 1224 W PLATTE AVE FORT MORGAN, CO 80701		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
BRUCE A. NEY, GENERAL ATTORNEY SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T KANSAS 220 SE 6TH AVE RM 515 TOPEKA, KS 66603-3596		

ORDER MAILED AUG 27 2014

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.